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11 File No. 52,634

12 Attorneys for Plaintiffs
13 NEW CONTENDERS INC.; DILLON PRODUCTIONS INC.

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

19 NEW CONTENDERS INC.;)
20 DILLON PRODUCTIONS INC..)

21 Plaintiff.)

22 vs.)

23 MIGUEL SANDOBAL doing business as)
24 Fiesta Night Club; ROSALIA)
25 HERRERA FRIEJE doing business as El)
26 Tropical Latino Restaurant,)

27 Defendants.)
28

CASE NO. C08-00017-RMW (PVT)

DECLARATION OF DAVID J. COOK, ESQ.
IN SUPPORT OF APPLICATION FOR
ISSUANCE OF ORDER PERMITTING
SERVICE OF PROCESS BEYOND 180 DAYS
UNDER RULE 4(m) OF THE FEDERAL
RULES OF CIVIL PROCEDURE

I, DAVID J. COOK, hereby declare and state as follows:

1. I am one of the attorneys of record for Plaintiff in the above-entitled action, am duly authorized to practice before all courts in the State of California, and am familiar with the facts and circumstances in this action.

2. Declarant has filed an action by which to renew the judgment in the above-entitled matter as permitted under C.C.P. § § 337.5(3).

3. Declarant has endeavored to locate the Defendant MIGUEL SANDOBAL doing business as Fiesta Night Club, and has incurred great difficulty. This matter is the renewal of a judgment which is 10 years old and, accordingly, Plaintiff needs additional time by which to

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1 effectuate service of process.

2 4. Declarant therefore requests an additional 120 days by which to effectuate service of the
3 Summons and Complaint in the above-entitled matter.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on July 21, 2008.

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7 /s/ David J. Cook
8 DAVID J. COOK, ESQ. (SB# 060859)

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